IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 16567 of 2007(V)

PETITIONER:

YESUDAS, ARUN BHAVAN,
VAZHICHAL DESOM, OTTASEKHARAMANGALAM VILLAGE.

BY ADV. SRI.R.GOPAN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
ARRAYANAD POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.

2. DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA.

3. SUPERINTENDENT OF POLICE(RURAL),
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 16567 of 2007 V

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Dated this the 13th day of June, 2007

JUDGMENT

The petitioner has come to this Court complaining about the inaction, indifference, partiality and bias of the police officials, who refused to take any action on the basis of the grievance made by the petitioner. An alleged incident took place on 14.4.2007. Ext.P4 complaint was made to the first respondent on 15.4.07, it is alleged. Seeing that no action is taken by the first respondent, the petitioner lodged Ext.P6 complaint before the second respondent on 17.4.2007. On that also no action is allegedly taken. This obliged the petitioner to file a petition before the Magistrate on 2.5.2007, which complaint was referred to the police under Section 156(3) Cr.P.C. on 2.5.2007. The said complaint, though received in the police station, did not evoke any action from the first respondent. The petitioner has a further grievance that his wife was threatened and intimidated by the first respondent. Seeing that he is not getting any justice from the police even after the Magistrate referred the complaint under Section 156(3) Cr.P.C., in sheer helplessness, the petitioner has come to this

Court by filing this writ petition for a direction to the police to take appropriate action.

2. Notice has been served. The respondents have entered appearance through the learned Govt. Pleader. A statement has been filed by the first respondent. In the statement, the first respondent accepts that the complaint was received at the police station on 5.5.2007. No satisfactory explanation is offered as to why no action was taken on such complaint. It is said that a crime has subsequently been registered on 3.6.2007 as Crime No.97 of 2007, inter alia, under Section 427 I.P.C. The only reason urged for not taking prompt action on the complaint is that the complaint was "unfortunately misplaced and hence some delay was caused in registering the case."

3. I am unable to accept the convenient excuse offered by the first respondent. I find merit in the submission of the learned counsel for the petitioner that the police is guilty of gross negligence and partiality in not properly dealing with the petitioner's complaint. I find merit in the submission of the learned counsel for the petitioner that the investigation by the local police officers will not do justice to him and bring out the truth. I am satisfied that direction deserves to be issued invoking the jurisdiction

under Article 226 of the Constitution to ensure proper, efficient and expeditious investigation. The victim of the crime has a right to look up to the State to get a proper investigation conducted.

4. This Writ Petition is accordingly allowed. It is directed that investigation into crime No.97 of 2007 of Aryanad Police Station shall be entrusted by the 3rd respondent to any senior police official of proven competence and capacity other than respondents 1 and 2 and not below the rank of a Dy.S.P. Such officer, who conducts the investigation, shall carefully examine the role of respondents 1 and 2 and if found necessary take appropriate action also. Orders to that effect shall be issued by the 3rd respondent within one month with copy to the petitioner.

5. Hand over copy to the learned Prosecutor.

(R. BASANT)
Judge

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